



California Fair Political Practices Commission

September 9, 1988

Richard Mastain
Executive Secretary
Commission on Teacher Credentialing
1812 9th Street
Sacramento, CA 94244-2700

RE: Your Request for Advice
Our File No. A-88-315

Dear Mr. Mastain:

You have requested advice regarding the lobbying disclosure provisions of the Political Reform Act of 1974.^{1/}

QUESTION

May voting members of the Commission on Teacher Credentialing (CTC), its Executive Secretary, and members of the management and professional staff of CTC attend a dinner at which the per person cost will exceed \$10, if the dinner is arranged and paid for by a lobbyist employer which is registered to lobby CTC?

CONCLUSION

All voting members and employees of CTC may attend the dinner, as long as the sponsor's lobbyist has not invited the members and employees to attend the dinner, does not pay for the dinner, is not the only representative of the lobbyist employer at the dinner, does not solicit responses from the members of employees, and is not the contact person for the requested RSVP.

FACTS

The members and employees of CTC have been invited to a dinner by a lobbyist employer which has identified CTC as a state agency whose administrative actions it attempts to influence. The cost of dinner per person will exceed \$10.

^{1/}Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

ANALYSIS

There is nothing in the Act which prohibits or limits gifts from lobbyist employers to state agency officials or employees. However, Section 86203 prohibits lobbyists or lobbying firms from making gifts to one person aggregating more than ten dollars in a calendar month, or from acting as an agent or intermediary in the making of any gift, or arranging for the making of any gift by any other person.

In addition, Section 86204 makes it a violation for state agency officials to receive gifts prohibited by Section 86203.

Gift, as used in Section 86203, means a gift made directly or indirectly to any state candidate, elected state officer, or legislative official, or to any agency official of any agency required to be listed on the registration statement of the lobbying firm or the lobbyist employer of the lobbyist.
(Section 86201.)

A lobbyist "arranges" for the making of a gift if he or she:

- 1) Delivers a gift to the recipient.
- 2) Acts as the representative of the donor, if the donor is not present at the occasion of a gift. This does not include accompanying the recipient to an event where the donor will be present.
- 3) Invites or sends an invitation to an intended recipient regarding the occasion of a gift.
- 4) Solicits responses from an intended recipient concerning his or her attendance or nonattendance at the occasion of a gift.
- 5) Is designated as the representative of the donor to receive responses from an intended recipient concerning his or her attendance or nonattendance at the occasion of a gift.
- 6) Acts as an intermediary in connection with the reimbursement of a recipient's expenses.

(Regulation 18624.)

Therefore, members and employees of CTC may attend a dinner at which they will receive gifts aggregating more than \$10 as long as the sponsor's lobbyist does not make or arrange for the making of the gifts.

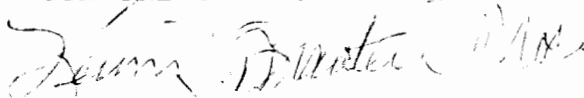
Please note that members and employees of CTC are also subject to the Act's conflict of interest disclosure and disqualification provisions (Sections 87100-87313). Enclosed is a copy of the Act and an FPPC publication regarding the conflict of interest provisions. In addition, you may wish to review your agency's Statement of Incompatible Activities.

Mastain, Richard K.
Page Three

If you need additional information, please contact me at
(916) 322-5662.

Sincerely,

Diane M. Griffiths
General Counsel

A handwritten signature in dark ink, appearing to read "Kevin S. Braaten-Moen". The signature is written in a cursive, flowing style with some loops and flourishes.

By: Kevin S. Braaten-Moen
Political Reform Consultant

COMMISSION ON TEACHER CREDENTIALING

1812 9TH STREET
SACRAMENTO, CA 94244-2700



August 8, 1988

Fair Political Practices Commission
Diane Griffiths, General Counsel
428 J Street, Suite 800
Sacramento, CA 95814

Dear Ms. Griffiths:

The Commission on Teacher Credentialing has directed me to ask for your opinion on the application of the Fair Political Practices Act to the following hypothetical state of facts:

The Commission on Teacher Credentialing is a statutory agency of state government having jurisdiction to set standards for teacher education and to grant and to revoke credentials authorizing qualified persons to perform instructional and other education-related services in the public schools. Its policy making body consists of seventeen voting members and five ex-officio members. It appoints an exempt Executive Secretary who in turn appoints subordinate management, professional, and other staff. The agency meets monthly to enact administrative regulations, to administer professional discipline, to approve teacher education programs, and to conduct other related business.

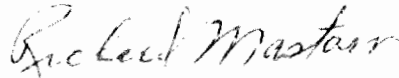
An organization which consists of, and which represents, persons holding credentials issued by the Commission on Teacher Credentialing, and which organization has identified the Commission on Teacher Credentialing as a state agency whose administrative or legislative actions it will attempt to influence, has issued an invitation to the Commission, its Executive Secretary, the members of the management staff, and selected professional employees to attend a dinner at the expense of the organization. In the terms of the invitation,

"This (annual) event provides an opportunity for the leadership of (the lobbying organization) to meet with members and staff of the Commission on Teacher Credentialing. We look forward to renewing old acquaintances and getting to know new members".

Invitees are requested to R.S.V.P. through the Secretary of the Commission on Teacher Credentialing at the office of the Commission. The dinner is to be held in a private dining room of a local restaurant. The value of the dinner and pre-dinner cocktails will substantially exceed ten dollars for each invitee, and will be attended by a majority or more of the voting members of the Commission, by its appointed Executive Secretary, and several members of the management and professional staff of the CTC.

The Commission on Teacher Credentialing wishes to inquire as to whether attendance at an "event" such as that described above on an annual or periodic or any other basis, is in any way inappropriate under the Fair Political Practices Act.

Sincerely,

A handwritten signature in cursive script, reading "Richard K. Mastain". The ink is dark and the signature is fluid, with a prominent loop at the end of the last name.

Richard K. Mastain, Ed.D.
Executive Secretary

COMMISSION ON TEACHER CREDENTIALING

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Executive Secretary